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TO RUEHC/SECSTATE WASHDC IMMEDIATE 7168
INFO RUEAWJL/DEPT OF JUSTICE WASHINGTON DC IMMEDIATE

UNCLAS BANGKOK 001317

SIPDIS

STATE FOR L/DL
JUSTICE FOR OFL

E.O. 12958: N/A
TAGS: [KLIG](#) [TH](#)
SUBJECT: RESPONSE TO CRIMINAL COMPLAINT AGAINST DEA EMPLOYEES

REF: Bangkok 01253

¶1. Pursuant to ALDAC State 1087, this will request that the Department of Justice provide legal representation for the following employees from the U.S. Drug Enforcement Administration recently sued in a Bangkok court for acts performed during the course of their official duties: Special Agent Derek S. Odney; Special Agent Scott Seeley-Hacker; and Special Agent Robert Zachariasiewicz.

¶2. Special Agents Odney and Seeley-Hacker are, and were at all relevant times, accredited to Post as A/T staff. Special Agent Zachariasiewicz is assigned to the DEA's Special Operations Division in Washington, D.C., and is not, and has never been, accredited to Post. However, Special Agent Zachariasiewicz had received country clearance and was acting under the authority of the Chief of Mission at the time of the events described in the legal action.

¶3. As set forth in more detail in reftel, legal proceedings against the three DEA employees were initiated on May 1, 2009, by a criminal complaint filed by plaintiff Viktor Bout in Southern Bangkok Criminal Court, entitled Criminal Litigation Between Mr. Victor Analojevich Bout, Plaintiff, and Mr. Derek S. Odney, Defendant No. 1; Mr. Robert Zachariasiewicz, Defendant No. 2; and Mr. Scott Hacker, Defendant No. 3, Case No. 1050/2552.

¶4. Post's Management Officer has concluded that the three employees were "acting in the scope of employment and without gross negligence or intentional misconduct" and recommends that DOJ legal representation be provided.

¶5. Post recommends that DOJ consider retaining Mr. Surakiart Sathirathai or Mr. Dej-Udom Krairit to represent the three employees. Mr. Dej-Udom is currently the President of the Lawyers Council of Thailand, a highly influential body, and has a sterling reputation and excellent credentials. Mr. Surakiart is a former foreign minister, deputy prime minister and candidate for the UN Secretary General. He also comes highly recommended and has outstanding credentials. Both attorneys speak excellent English.

¶6. The employees will submit written requests that DOJ provide legal representation and completed DOJ-399 Forms through the DEA.

JOHN